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In re Application of
TAKEMURA, et al.
Application No.: 10/522,717
PCT No.: PCT/JP03/10254
Int. Filing Date: 11 August 2003
Priority Date: 13 August 2002
Atty Docket No.: ABE-030
For: TECHNIQUE ON OZONE WATER FOR USE IN
CLEANING SEMICONDUCTOR SUBSTRATE

COMMUNICATION

This communication is in response to applicant's "Response to Notification of Missing Requirements Under 35 U.S.C. 371 in The United States Designated/Elected Office (DO/EO/US)" filed 24 August 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 11 August 2003, applicant filed international application PCT/JP03/10254 which claimed priority to an earlier Japanese application filed 13 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 26 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 February 2005.

On 28 January 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application, an executed declaration of the inventors; three assignment documents for recording and a first preliminary amendment.

On 29 June 2005, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Specifically, clarification was needed as to the third listed inventor who was identified as Kazuaki Hayata on the published international application and Kazuaki Souda on one of the filed declarations. In addition, applicant was notified of the need to provide a surcharge of \$130.00 for filing the oath or declaration later than the appropriate 20 or 30 months

from the earliest priority date. (37 CFR 1.492(e). Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 24 August 2005, applicant filed the present response.

DISCUSSION

As explained in the Manual of Patent Examining Procedure (MPEP) ¶ 2.14.01, where a typographical or transliteration error in the name of an inventor is discovered a petition is not required. Instead, it is sufficient to inform the Office of the error, as well as, the correct name of the inventor. Applicant has presently provided such an explanation. However, in the present case the error occurred in the international application. A new declaration and payment of the surcharge for providing an oath or declaration of the inventors is required as the declarations executed by inventors Kato and Suhara did not properly identify inventor Souda. Applicant's present filing contains newly executed declarations and authorization to charge the surcharge to deposit account no.: 11-1833, as such a proper reply to the Form PCT/DO/EO/905 has been filed and it is proper to forward this application for the continued National stage processing.

CONCLUSION

The application has an international filing date of 13 August 2003 under 35 U.S.C. 363 and will be given a date of **24 August 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.



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